2011–12 ANNUAL REPORT

Office of the Information and Privacy Commissioner for British Columbia

Office of the Information & Privacy Commissioner for British Columbia

Protecting privacy. Promoting transparency.

Established in 1993, the Office of the Information and Privacy Commissioner (OIPC) provides independent oversight and enforcement of B.C.'s access and privacy laws, including:

The *Freedom of Information and Protection of Privacy Act* (FIPPA), which applies to over 2,900 public bodies, including ministries, local governments, schools, crown corporations, hospitals, municipal police forces, and more

The *Personal Information Protection Act* (PIPA), which applies to over 300,000 private organizations, including businesses, charities, associations, trade unions and trusts

The Commissioner has the power to:

- **Investigate, mediate and resolve** appeals concerning access to information disputes, including issuing binding orders;
- **Investigate and resolve** privacy complaints;
- Initiate Commissioner-led **investigations and audits** of public bodies or organizations, if there are reasonable grounds of non-compliance or if it is in the public interest;
- **Comment on the access and privacy implications** of proposed legislation, programs or policies;
- Comment on the **privacy implications of new technologies**;
- Conduct **research** into anything affecting access and privacy rights;
- **Educate the public** about their access and privacy rights and the relevant laws.

In 2011, the Commissioner created an External Advisory Board to enhance the Office's research, public education and policy work, and to assist in identifying emerging issues affecting access and privacy. The current board members are:

Dr. Colin Bennett, Department of Political Science, University of Victoria

Heather Black, former Assistant Privacy Commissioner for Canada

Dr. Peter Chow-White, School of Communication, Simon Fraser University

Dr. David Flaherty, former B.C. Information and Privacy Commissioner

Dr. Ben Goold, Faculty of Law, University of British Columbia

Drew McArthur, McArthur Consulting Group

Dirk Ryneveld QC, McConnan Bion O'Connor & Peterson

Office of the Information & Privacy Commissioner
for British Columbia

Protecting privacy. Promoting transparency.

July, 2012

The Honourable Bill Barisoff
Speaker of the Legislative Assembly of British Columbia
Room 207, Parliament Buildings
Victoria, BC V8V 1X4

Honourable Speaker:

In accordance with s. 51 of the *Freedom of Information and Protection of Privacy Act* and s. 44 of the *Personal Information Protection Act*, I have the honour to present the office's Annual Report to the Legislative Assembly.

This report covers the period from April 1, 2011 to March 31, 2012.

Yours sincerely,

Elizabeth Denham
Information and Privacy Commissioner for British Columbia

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COMMISSIONER'S MESSAGE

On May 22, 1992, the government of the day introduced Bill 50, the *Freedom of Information and Protection of Privacy Act* (FIPPA) into the Legislature for first reading. On that day, the Attorney General declared that the proposed legislation, "does more than simply open government files; it makes it very clear that government is the domain of the public." The Bill was passed unanimously by Members of the Legislative Assembly.

Twenty years later, citizens continue to be passionate – and vigilant – about their access to information and privacy rights, which are being exercised in ways those legislators could only have imagined. The digital revolution, the advent of social media and the movement for open information and open data have presented new challenges and new opportunities for citizens. Yet the underlying principles of the Act – crafted so deliberately and carefully two decades ago – continue to stand us in good stead.

THE DIGITAL REVOLUTION, THE ADVENT OF SOCIAL MEDIA AND THE MOVEMENT FOR OPEN INFORMATION AND OPEN DATA HAVE PRESENTED NEW CHALLENGES AND NEW OPPORTUNITIES FOR CITIZENS. YET THE UNDERLYING PRINCIPLES OF THE ACT – CRAFTED SO DELIBERATELY AND CAREFULLY TWO DECADES AGO – CONTINUE TO STAND US IN GOOD STEAD.

We have seen significant changes to the freedom of information landscape in the past year. Amendments to FIPPA, passed in October 2011, give government the authority to implement data linking and data sharing programs between ministries, public bodies and agencies. My office gained important new oversight responsibilities in relation to these new initiatives: Public bodies must submit privacy impact assessments for data linking and multi-agency programs to our office for review and comment, and government must consult our office as they develop an information-sharing code of practice and regulations for data sharing.

This year also saw government introduce legislation that explicitly overrides the access and privacy provisions of FIPPA. The proposed *Animal Health Act* would remove the public's right to access records regarding animal testing and animal disease management. Changes to the *Pharmaceutical Services Act* mean that citizens can no longer access information about decisions made by Pharmacare about medication coverage. And the *Emergency Intervention Disclosure Act* subjects individuals to privacy-invasive disease testing with little demonstrable benefit to B.C.'s first responders. These legislative overrides frustrate the purposes of FIPPA and ultimately threaten to undermine the access and privacy provisions so thoughtfully and carefully articulated by legislators 20 years ago.

Raising these issues publically is an essential part of my mandate. As an independent officer of the Legislature, I take very seriously my responsibility to educate and inform citizens about their information and privacy rights – especially when those rights are affected by changes to our laws. My office has a longstanding practice of making concerns about tabled legislation or other activities of government affecting access and privacy a matter of public record. We will continue to do so, in the public interest.

While the Commissioner has the express authority to comment publicly on the privacy and access implications of proposed changes to legislation, a related and important convention has developed since the inception of FIPPA – the Commissioner's confidential consultations with government on proposed legislative changes before they are introduced in the House. In my experience, the earlier the dialogue begins on these matters, the better the outcome for all concerned. It was a considerable challenge for my office to meaningfully complete this important work this year, due to the volume of legislation as well as, in some cases, the limited time provided to review pending Bills. For my office to effectively discharge its duties and ensure that forthcoming legislation receives the robust and thorough review it deserves, an appropriate amount of time must be allocated for this process. My office will work to ensure this dialogue continues to be a productive one, on behalf of all British Columbians.

Of course, there is much more to our mandate. Our office mediates and resolves hundreds of complaints and requests for review each year, conducts systemic investigations and audits, and educates public and private organizations about B.C.'s access and privacy laws. This annual report outlines the core activities of our office and highlights some of our key accomplishments in 2011-12.

I am particularly proud of the progress we have made on our strategic goals to protect privacy in networked systems, raise awareness about private sector privacy, and promote transparency and accountability in the public sector, including our forthcoming evaluation of B.C.'s Open Information and Open Data initiatives.

In closing, I want to acknowledge the dedication and teamwork of my staff, the support of our External Advisory Board, as well as advocates and stakeholders in the access and privacy community. Without their commitment, the progress of my office would not be possible.

Together, we will continue to promote and protect the information and privacy rights of British Columbians as FIPPA enters its 20th year.

Sincerely,

Elizabeth Denham
Information and Privacy Commissioner for B.C.

AS AN INDEPENDENT OFFICER OF THE LEGISLATURE, I TAKE VERY SERIOUSLY MY RESPONSIBILITY TO EDUCATE AND INFORM CITIZENS ABOUT THEIR INFORMATION AND PRIVACY RIGHTS – ESPECIALLY WHEN THOSE RIGHTS ARE AFFECTED BY CHANGES TO OUR LAWS.

HIGHLIGHTS 2011-12

NEW OVERSIGHT RESPONSIBILITIES

Amendments to the *Freedom of Information and Protection of Privacy Act* have resulted in new oversight responsibilities for the Commissioner's Office. The Finance and Government Services Committee has allocated additional resources to enable the Office to carry out these duties. See Appendix A for a summary of the office's new responsibilities and work completed to date.

FASTER PROCESSING AND RESOLUTION OF OIPC FILES

WE ARE MEETING AND EXCEEDING OUR TARGETS FOR RESOLVING COMPLAINTS AND REQUESTS FOR REVIEW AS SET OUT IN OUR ANNUAL SERVICE PLAN.

OIPC staff are meeting and exceeding targets for resolving complaints and requests for review files set out in our Service Plan. Our complaint resolution timeliness improved by 26% this year, with 73% of complaints received by our office resolved within 90 business days. The number of files awaiting assignment to an investigator remains steady; however the average time for file assignment is now three months, or 40% faster than last year.

SYSTEMIC INVESTIGATIONS

We published several high profile investigation reports this year, including the privacy and security aspects of the BC hydro smart meters, ICBC's use of facial recognition technology, a privacy breach at the University of Victoria, and the simultaneous disclosure practices of B.C. Ferries.

PUBLISHED GUIDANCE ON NEW TECHNOLOGIES

The Commissioner's office continues to publish practical guidance for public bodies and private organizations. This year, the Office issued guidelines for the use of cloud computing, guidance for employers using social media for employee background checks, and an online security assessment tool to help companies assess how well they secure personal information.

PROMOTING PROACTIVE DISCLOSURE

The Commissioner has established best practices for proactive disclosure of information by public bodies in a public report following from a systemic investigation into the disclosure practices of B.C. Ferries. These best practices will be the starting point for the Commissioner's evaluation of the government's Open Information and Open Data initiatives, taking place in 2012. The Commissioner has called on the government to proactively disclose records such as government contracts, internal audits, and detailed travel expenses for politicians and their top bureaucrats.

PUBLIC EDUCATION AND OUTREACH

The Office continues to inform and engage British Columbians on access and privacy issues. This year the Office completed a total of 105 speaking engagements, conferences and workshops, including co-hosting the annual PIPA Conference, which was held in Vancouver with more than 200 delegates in attendance.

FEDERAL ISSUES: BORDER SECURITY AND LAWFUL ACCESS

The Commissioner continues to raise concerns about the federal government's lawful access legislation (Bill C-30) and its provisions for warrantless access to subscriber data. She signed a joint letter with Canada's Information and Privacy Commissioners, which raised these and other concerns about lawful access. The Commissioners also issued a joint resolution calling on the federal government to ensure the standards and values behind Canadian privacy laws are not diminished as a result of the new Canada-US perimeter security action plan.

PRIVACY BEYOND BORDERS

This year, the B.C. Office was inducted into the Global Privacy Enforcement Network, an international group that facilitates cross-border co-operation in the enforcement of privacy laws. The OIPC also renewed its Memorandum of Understanding with the Alberta and federal Privacy Commissioners' offices, which outlines how they will continue to work together on private sector privacy issues. Commissioner Denham was a noted speaker at a European conference on accountability, where she presented Canada's latest guidance on privacy management in the private sector.

IN 2011-12, THE OIPC WAS INDUCTED INTO THE GLOBAL PRIVACY ENFORCEMENT NETWORK, AN INTERNATIONAL GROUP THAT FACILITATES CROSS-BORDER COOPERATION IN THE ENFORCEMENT OF PRIVACY LAWS.

STRATEGIC GOALS

The Office of the Information and Privacy Commissioner set three strategic goals for 2011-12. These goals were selected through a strategic planning process, and represent areas identified for focused education, enforcement and outreach to promote awareness and compliance with B.C.'s access and privacy laws.

THE OIPC IDENTIFIED THREE STRATEGIC GOALS FOR FOCUSED PUBLIC EDUCATION, ENFORCEMENT AND OUTREACH WORK IN 2011-12.

GOAL 1: PROTECT PRIVACY IN NETWORKED SYSTEMS AND NEW TECHNOLOGIES

New technologies and networked systems give public bodies and organizations the power to gather, store and link extensive amounts of personal information. However, the technology can be complex, the security arrangements may be difficult to understand and organizations and governments don't necessarily know how to use the technology in a way that protects personal information. The OIPC took the following steps to protect privacy in networked systems and new technologies this year:

- Reviewed the privacy implications of Phase 2 of the Integrated Case Management Project of the Ministry of Social Development and the Ministry of Children and Family Development.
- Launched an online interactive security self-assessment tool to help small and medium sized businesses to evaluate the quality of security arrangements.
- Completed systemic investigations and audits of new and emerging technologies, including BC Hydro smart meters and ICBC's use of facial recognition technology.
- Investigated high-profile privacy breaches involving mobile devices and technology, including a Commissioner's investigation of a breach at the University of Victoria.
- Published cloud computing guidelines for public bodies.
- Published guidance for employers using social media to conduct background checks on employees.

GOAL 2: GREATER AWARENESS ABOUT PRIVATE SECTOR PRIVACY LAWS

The *Personal Information Protection Act* was enacted in 2004. Yet there remains a significant lack of awareness about the legislation and its provisions on the part of the businesses to whom the Act applies as well as the general public. We took the following steps to raise awareness about private sector privacy this year:

- Reviewed and updated guidance documents to help private sector organizations better understand the requirements of PIPA.
- Published a new accountability tool, which sets out building blocks for privacy management programs for private sector organizations.
- Organized and hosted the 6th annual PIPA conference in Vancouver, B.C.
- Continued to build relationships with private sector organizations and member-based associations, including chambers of commerce, unions and business organizations.
- Completed a survey and information campaign on video surveillance in the retail sector.

GOAL 3: A TRANSPARENT AND ACCOUNTABLE PUBLIC SECTOR

Citizens are demanding greater openness and transparency of information and data by their governments. The OIPC supports this movement for open government, and has encouraged public bodies to adopt more transparent and accountable information and data practices. We took the following steps to promote these practices:

- Issued an investigation report that set the standard and expectations for all public bodies for proactive disclosure.
- Released our third annual timeliness report, which evaluated government's response time to access requests.
- Announced an evaluation of the B.C. Government's open information and open data portals, which will take place in 2012. Our Office also intends to provide guidance to public bodies on how to build proactive disclosure and open data programs.
- Delivered two specialized training sessions for access and privacy professionals. The aim of these workshops is to assist public bodies to adopt best practices, increase compliance and reduce complaints.

THE OIPC SUPPORTS OPEN GOVERNMENT AND HAS ENCOURAGED PUBLIC BODIES TO ADOPT MORE TRANSPARENT AND ACCOUNTABLE INFORMATION AND DATA PRACTICES.

YEAR IN NUMBERS

The year 2011-12 saw an overall increase (16.8%) in the total number of files received by the OIPC, and a proportionate increase in the number of meetings with public bodies and private organizations (up 152% over 2010-11) speaking engagements and conferences (up 87.5%), policy or issue consultations (up 64.5%), and media inquiries (up 36.9%) received by our Office.

The number of complaint files received is consistent with previous years, however the ratio of privacy complaints received (relating to the collection, use, disclosure, accuracy, protection, retention and correction of personal information) continues to climb vis-a-vis access complaints (relating to adequate search, duty under the Act, fees and requests for time extension). The number of time extension requests by public bodies and requests for review increased during this period, by 8.5% and 5.75% respectively.

We received an increased number of requests for information (16.26%) this year, which includes telephone calls received by our office and correspondence received where the OIPC is not the primary recipient. The increase in information requests can be attributed in part to the large volume of correspondence received on the topic of BC Hydro smart meters, which prompted the Commissioner to conduct a systemic investigation of the privacy and security aspects of this new technology.

The year 2011-12 saw a 27.7% increase in the number of privacy breaches reported to the Office. Privacy breach reporting is not mandatory under FIPPA or PIPA; however, a growing number of public and private sector organizations are reporting breaches in order to obtain assistance and guidance about recommended courses of action and measures to mitigate future risk.

This year also saw a significant improvement in the timeliness of responses to complaints and requests for review received by the OIPC. The average number of weeks to close review or complaint files was 18.9 weeks, down from 25.6 weeks in 2010-11. The average number of weeks to close all files was 9.0 weeks, down from 10.3 weeks in 2010-11.

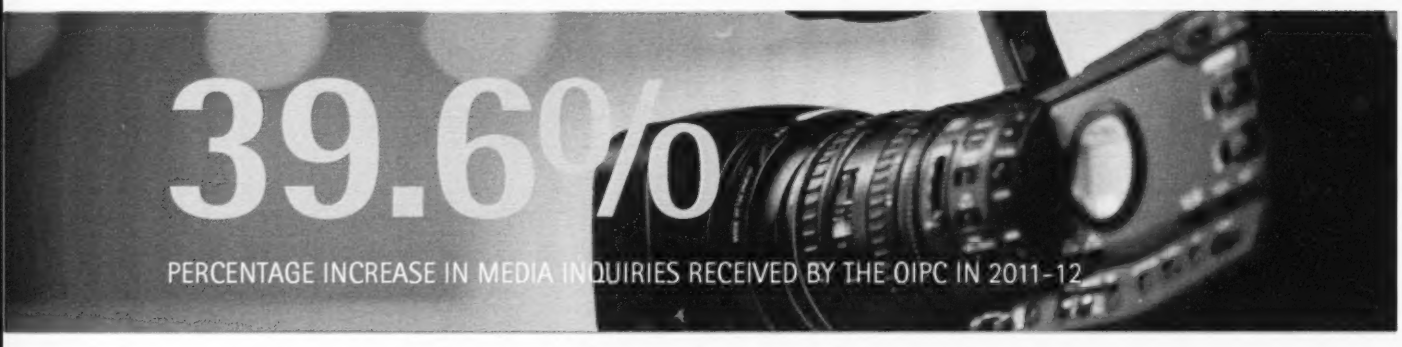
There was a considerable increase in the number of project files opened by the OIPC. These files are primarily related to the communications, research and planning activities of the office.

See page 12 for a summary of all files received by the OIPC in 2011-12.

Commissioner Denham and OIPC staff are frequent speakers and participants at events and conferences throughout B.C. and beyond. The following are some examples of the speaking engagements and conferences attended this year:

- Accountability Phase IV – The Experts Meeting, Brussels
- B.C. Privacy Professionals Forum, North Vancouver
- Executive Directors and Registrars of Professional Organizations of B.C., Vancouver
- IAPP Global Privacy Summit, Washington D.C.
- FIPPA training for public bodies, Vancouver and Victoria
- International Conference of Information Commissioners, Ottawa
- International Data Protection Conference, Mexico City
- PIPA Conference, Vancouver
- Privacy and Cloud-based Educational Technology Conference, Vancouver
- Radio Television News Directors Association (Regional), Vancouver
- Reboot 13th annual Privacy and Security Conference, Victoria
- University of Alberta Access and Privacy Conference, Edmonton
- University of British Columbia, School of Library, Archives and Information Sciences, Vancouver

IN 2011-12 THE COMMISSIONER AND STAFF DELIVERED MORE THAN 100 PRESENTATIONS TO PUBLIC AND PROFESSIONAL AUDIENCES.



YEAR IN NUMBERS

SUMMARY OF ALL FIPPA AND PIPA FILES RECEIVED IN 2011-12

THIS TABLE SUMMARIZES ALL FILES RECEIVED AND OPENED BY THE OIPC IN THE FISCAL YEAR 2011-12.

FILE TYPE	RECEIVED 11/12	RECEIVED 10/11	RECEIVED 09/10
Complaints			
Access complaints	316	382	388
Privacy complaints	252	181	189
Requests for review			
Requests for review of decisions to withhold information	570	539	567
Applications to disregard requests as frivolous or vexatious	6	4	6
Time extensions			
Requests by public bodies and private organizations	382	352	353
Requests by applicants seeking a review	14	18	29
Reconsideration of decisions			
Internal reconsideration of OIPC decisions	31	21	25
Adjudication (court review of OIPC decisions)	0	0	1
Information requested			
Requests for information and correspondence received	4,353	3,744	3,787
Media inquiries	126	92	57
FOI requests for OIPC records	18	15	10
Non-jurisdictional issue	7	26	49
No reviewable issue	123	127	152
Files initiated by public bodies and private organizations			
Privacy impact assessments	16	7	12
Privacy breach notification	83	65	73
Public interest notification	21	16	12
Policy or issue consultation	102	62	99
OIPC initiatives			
Investigations	5	9	2
Legislative reviews	55	36	42
Projects	150	32	36
Public education and outreach			
Speaking engagements and conferences	105	56	66
Meetings with public bodies and private organizations	43	17	11
Site visits	1	3	0
Other	4	5	1
TOTAL	6,783	5,809	5,967

TYPE OF ACCESS COMPLAINTS RECEIVED IN 2011-12

40.8%
129 DUTY UNDER THE ACT

32.9%
104 ADEQUATE SEARCH

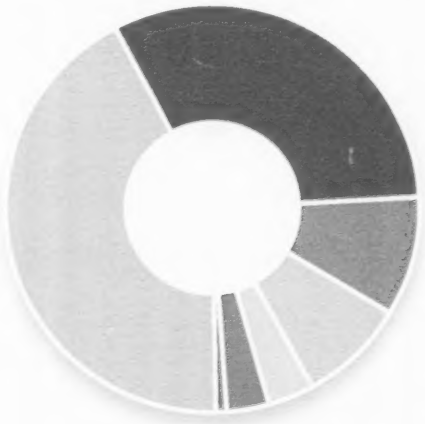
18%
57 FEES

8.3%
26 TIME EXTENSION BY PB

316 TOTAL

18% OF ACCESS COMPLAINTS RECEIVED BY THE OIPC IN 2011-12 WERE ABOUT FEES.

TYPE OF PRIVACY COMPLAINTS RECEIVED IN 2011-12



42.5%
107 DISCLOSURE

32.1%
81 COLLECTION

9.5%
24 CORRECTION

8.3%
21 PROTECTION

3.6%
9 USE

3.2%
8 RETENTION

0.8%
2 ACCURACY

252 TOTAL

75% OF ALL PRIVACY COMPLAINTS RECEIVED IN 2011-12 WERE ABOUT THE DISCLOSURE OR COLLECTION OF PERSONAL INFORMATION.

YEAR IN NUMBERS

NUMBER OF FIPPA COMPLAINTS AND REQUESTS FOR REVIEW RECEIVED IN 2011-12 BY PUBLIC BODY

PUBLIC BODY	COMPLAINTS RECEIVED	REQUESTS FOR REVIEW RECEIVED	TOTAL
Insurance Corporation of British Columbia	37	79	116
Vancouver Police Department	14	29	43
Ministry of Public Safety and Solicitor General	12	29	41
Ministry of Children and Family Development	19	15	34
City of Vancouver	13	16	29
BC Hydro and Power Authority	20	7	27
Vancouver Island Health Authority	14	13	27
Ministry of the Attorney General	8	13	21
Worksafe BC	13	7	20
Financial Institutions Commission	2	14	16
Top 10 total	152	222	374
All other public bodies	237	293	530
TOTAL	389	515	904

39% OF ALL COMPLAINTS AND 43% OF ALL REQUESTS FOR REVIEW RECEIVED BY THE OIPC UNDER FIPPA IN 2011-12 NAMED THESE TEN PUBLIC BODIES.

The majority of ICBC requests for review are filed by lawyers performing due diligence on behalf of clients involved in motor vehicle accident lawsuits. As with ICBC, the number of requests for review and complaints against a public body is not necessarily indicative of non-compliance but may be a reflection of its business model or quantity of personal information involved in its activities.

As an independent officer of the Legislature, the Information and Privacy Commissioner ensures that citizens have recourse if they feel their rights to access or privacy have been compromised. Much of our Office's work focuses on resolving complaints about the information practices of public bodies (FIPPA) and private organizations (PIPA), or requests for review of an access to information decision. Mediation is our primary tool to address the complaints and requests for review our Office receives.

The number of complaints or requests for review against a public body or private organization is not necessarily indicative of non-compliance; it may be a reflection of a business model or the quantity of personal information involved in its activities. For example, the majority of requests for review filed against the ICBC are filed by lawyers performing due diligence on behalf of their clients.

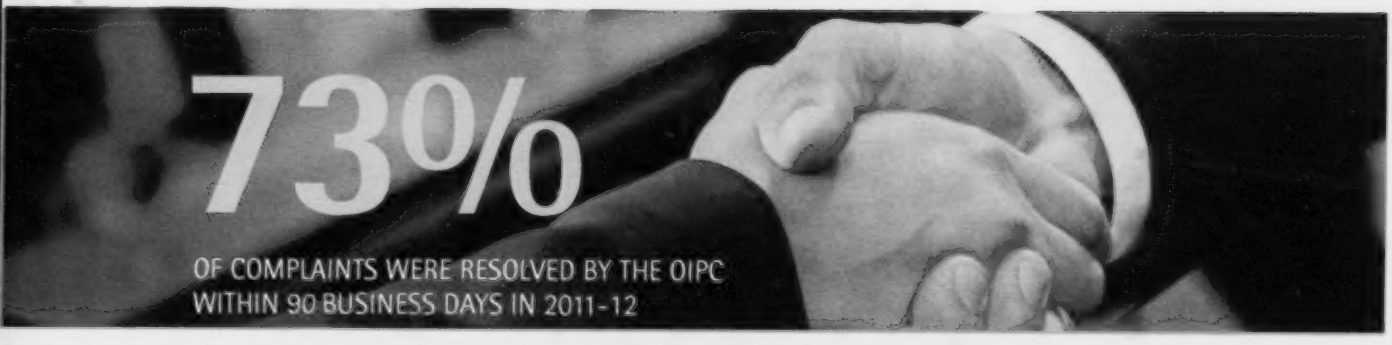
NUMBER OF PIPA COMPLAINTS AND REQUESTS FOR REVIEW RECEIVED IN 2011-12 BY SECTOR

SECTOR	COMPLAINTS RECEIVED	REQUESTS FOR REVIEW RECEIVED	TOTAL
Services	45	14	59
Health	30	10	40
Financial	19	8	27
Professionals	18	8	26
Accommodations	14	5	19
Manufacturing and Construction	12	0	12
Education	10	1	11
Sales and Retail	6	4	10
Internet	8	0	8
Other	8	0	8
Entertainment	5	1	6
Transportation	2	4	6
Agriculture, Forestry, Fishing & Hunting, Mining	1	2	3
TOTAL	178	55	233

THE SERVICES SECTOR (INCLUDING HOUSING CO-OPS, LABOUR UNIONS, RELIGIOUS SERVICES, ADMINISTRATIVE SUPPORT AND UTILITIES) ACCOUNTS FOR 25% OF ALL COMPLAINTS AND REQUESTS FOR REVIEW RECEIVED UNDER PIPA IN 2011-12.

To maximize our efficiency in handling requests for review and complaints, we examine every opportunity for an expedited resolution. Our Intake team, as the front line fielding phone calls and correspondence, is always alert to opportunities to resolve a matter on the spot. They use their experience and reference resources to redirect non-jurisdictional matters elsewhere or to stickhandle simple solutions.

At the next stage, our Early Resolution Officer separates out files that, at first glance, appear relatively straightforward in nature and capable of resolution with a well-placed phone call or two. The Early Resolution Officer attends to such files as promptly as possible.



YEAR IN NUMBERS

OUTCOME OF ACCESS COMPLAINTS RESOLVED IN 2011-12, FIPPA

TYPE	INVESTIGATION	NO INVESTIGATION	HEARING OR REPORT	TOTAL
Adequate Search	45	50	0	95
Duty	65	42	0	107
Fees	45	23	0	68
Time Extension by PB	20	5	0	25
TOTAL	175	120	0	295

"Investigation" includes files that were mediated, not substantiated, partially substantiated, and substantiated. "No investigation" includes files referred back to public body, withdrawn, or files the OIPC declined to investigate. "Hearing or report" refers to files that proceeded to inquiry and/or a report was issued.

OUTCOME OF ACCESS COMPLAINTS RESOLVED IN 2011-12, PIPA

TYPE	INVESTIGATION	NO INVESTIGATION	HEARING OR REPORT	TOTAL
Adequate Search	11	7	0	18
Duty	40	11	1	52
Fees	3	3	0	6
Time Extension	0	0	0	0
TOTAL	54	21	1	76

"Adequate search" means failure to conduct an adequate search for records. "Duty" means failure to fulfill any duty required except adequate search. "Fees" means unauthorized or excessive fees assessed by the public body or private organization. "Time extension" means unauthorized time extension taken by public body or private organization.

More complex files are assigned to our team of investigators for more detailed analysis. Typically these are files where there is disagreement or doubt about the meaning of a provision in FIPPA or PIPA, the applicant has asked us to address several different issues, or there appear to be communication difficulties between the parties to the dispute.

A high percentage of our attempted mediations are successful (meaning that both or all parties to the dispute express satisfaction with the result). Parties that remain unsatisfied by our efforts at mediation may request a formal inquiry by the Commissioner or her delegated adjudicator. Such requests may occur where one of the parties disagrees with the investigator's conclusion, or if a public body or organization declines to accept the investigator's suggestion for remedial action.

The person conducting the inquiry has no knowledge of anything that transpired during the mediation phase. The parties to the dispute are invited to make submissions to the inquiry. Potentially affected third parties and intervenors may be invited to do so as well.

OUTCOME OF PRIVACY COMPLAINTS RESOLVED IN 2011-12, FIPPA

TYPE	INVESTIGATION	NO INVESTIGATION	HEARING OR REPORT	TOTAL
Accuracy	0	2	0	2
Collection	8	36	1	45
Correction	8	6	0	14
Disclosure	29	26	0	55
Retention	0	4	0	4
Use	1	2	0	3
Protection	8	5	0	13
TOTAL	54	81	1	136

"Accuracy" means where personal information in the custody and control of a public body is inaccurate or incomplete. "Collection" means the unauthorized collection of information. "Correction" means refusal to correct or annotate information in a record. "Disclosure" means unauthorized disclosure by a public body or private organization. "Retention" means failure to retain information for the time required. "Use" means unauthorized use by the public body or private organization. "Protection" means failure to implement reasonable security measures.

OUTCOME OF PRIVACY COMPLAINTS RESOLVED IN 2011-12, PIPA

TYPE	INVESTIGATION	NO INVESTIGATION	HEARING OR REPORT	TOTAL
Collection	16	18	2	36
Correction	10	5	0	15
Disclosure	42	17	0	59
Retention	5	1	0	6
Use	3	0	0	3
Protection	4	5	0	9
TOTAL	80	46	2	128

The written order analyzes the facts, issues and application of the law and provides the rationale for the legally binding order. All orders are posted on our website immediately after they are issued. Any party affected by an OIPC order who disagrees with the order may apply to the Supreme Court of British Columbia for judicial review.

While our role in responding to complaints and requests for review can have significant positive outcomes for aggrieved individuals and for the public interest, the benefits are dependent on an individual filing a complaint or request. In order to achieve a broader impact in heightening awareness of and compliance with FIPPA and PIPA, we must combine a reactive role with a proactive approach, in which we initiate comprehensive assessments of public body or organizational policies and programs.

YEAR IN NUMBERS

OUTCOME OF REQUESTS FOR REVIEW RESOLVED IN 2011-12, FIPPA

TYPE	MEDIATED / RESOLVED	HEARING OR REPORT	TOTAL
Deemed refusal	92	5	97
Deny Access	105	15	120
Notwithstanding	0	0	0
Partial Access	281	31	312
Refusal to confirm or deny	1	0	1
Scope	5	4	9
Third Party	18	3	21
TOTAL	502	58	560

"Mediated/resolved" includes files that were mediated, withdrawn, referred back to the public body, a consent order was issued for a deemed refusal, or other decision by the Commissioner. "Hearing or report" includes files that proceeded to inquiry and/or a report was issued.

92.1% OF REQUESTS FOR REVIEW WERE MEDIATED OR RESOLVED WITHOUT A HEARING OR INQUIRY IN 2011-12

OUTCOME OF REQUESTS FOR REVIEW RESOLVED IN 2011-12, PIPA

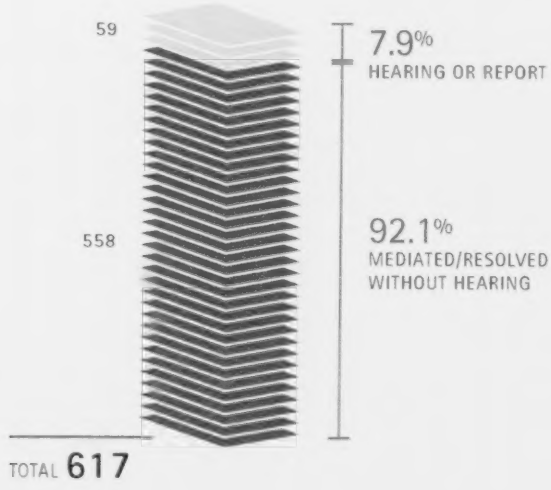
TYPE	MEDIATED / RESOLVED	HEARING OR REPORT	TOTAL
Deemed refusal	35	0	35
Deny Access	15	1	16
Notwithstanding	0	0	0
Partial Access	6	0	6
Refusal to confirm or deny	0	0	0
Scope	0	0	0
Third Party	0	0	0
TOTAL	56	1	57

"Mediated/resolved" includes files that were mediated, withdrawn, a consent order was issued for a deemed refusal, or other decision by Commissioner. "Hearing or report" includes files that proceeded to inquiry and/or a report was issued.

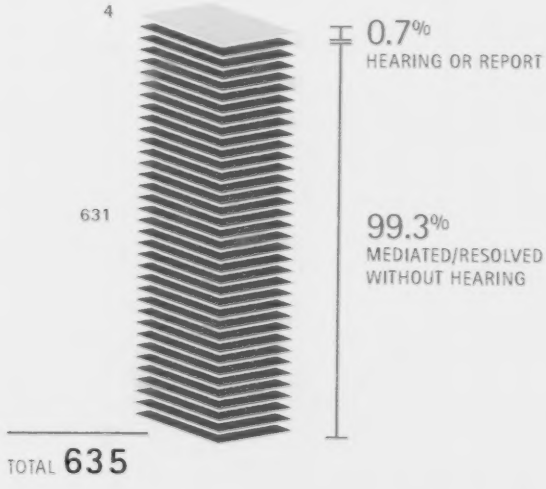
To this end, our policy and technology division conducts systemic policy and technology reviews, which are applicable to a single public body or private organization but are intended to be applicable to all public bodies and organizations across the spectrum.

Sometimes the nature of a complaint or request for review will suggest to us that, rather than focusing on the particular circumstances described, it might be timely to expand an investigation or review to encompass relevant policies or practices throughout an organization. This year our office received more than 600 individual complaints about the BC Hydro smart meter program, which prompted our office to conduct a thorough investigation of the privacy and security impact of this new technology. Our report was released to the public in December.

OUTCOME OF ALL REQUESTS FOR REVIEW RESOLVED BY THE OIPC (FIPPA AND PIPA) IN 2011-12



OUTCOME OF ALL COMPLAINTS RESOLVED BY THE OIPC (FIPPA AND PIPA) IN 2011-12



APPENDIX A: LEGISLATIVE AMENDMENTS

Amendments to the *Freedom of Information and Protection of Privacy Act*, passed by the Legislature in October 2011, brought about significant and extensive revisions to the Act. Several of these amendments created new oversight responsibilities for the Office of the Information and Privacy Commissioner.

In November, the Commissioner requested additional resources to fulfill these new oversight responsibilities. That request was granted, and the Office has since hired three new policy analysts to provide this oversight on behalf of British Columbians.

The following is a summary of the new authorities of the Office as a result of the legislative changes, as well as a report on work completed or underway to fulfill these new responsibilities.

DATA LINKING

Data linking involves matching data from one public body with data from another public body for reasons that are different from the reason why the data was collected in the first place.

A significant privacy concern with respect to data linking is the lack of transparency – the public doesn't know their personal information is being shared and used in this new way. Another concern is that the data may be inaccurate and cause unfair decisions to be made. Furthermore, the public may not know where to direct access and correction requests.

No other jurisdiction in Canada has adopted this model of data sharing across a broad spectrum of agencies. An independent official must monitor the implementation of these systems.

New authority for the OIPC:

- Government must consult with the OIPC as they create regulations for data linking
- Monitor compliance with data linking regulations, once enacted
- Early notice of data-linking initiatives must be provided to our office by Ministries and public bodies
- Review and comment on Privacy Impact Assessments from ministries and public bodies initiating data-linking activities

COMMON OR INTEGRATED PROGRAMS OR ACTIVITIES

Public bodies or other agencies may decide to work together to jointly deliver services to certain groups of individuals with multiple needs. This service delivery model involves the sharing of personal information among public bodies and agencies which may be operating in different sectors (health, social services, justice).

Privacy risks increase when personal information is being disclosed more widely to more people.

New authority for the OIPC:

- Early notice of common or integrated programs or activities must be provided to our office.
- Review and comment on Privacy Impact Assessments from ministries and public bodies for common or integrated programs or activities.

INFORMATION SHARING

Information sharing within and among public bodies occurs in a variety of ways for a multitude of purposes. Examples include for planning and evaluation purposes, in relation to research and for shared electronic record systems.

New authority for the OIPC:

Government must consult with the OIPC in the creation of an information sharing code of practice for ministries and public bodies.

OIPC ACTIVITIES RELATED TO OUR NEW MANDATE

- Hired three new policy analysts to conduct research, review and comment on incoming Privacy Impact Assessments.
- Research on privacy issues related to data sharing in general.
- Research on privacy issues specific to data linking.
- Research on data-linking rules in other jurisdictions.
- Research and consultations on how oversight by a Commissioner in relation to data linking has been exercised in other jurisdictions, particularly in Quebec and New Zealand.
- Research on information sharing codes of practice.
- Established requirements for early notice.
- Established interim requirements for Privacy Impact Assessments and collaborating with the Office of the Chief Information Officer to develop Privacy Impact Assessment guidelines for public bodies.

APPENDIX B: FINANCIAL REPORTING

AUTHORITY

The Information and Privacy Commissioner is an independent Officer of the Legislature. The Commissioner's mandate is established under the *Freedom of Information and Protection of Privacy Act* (FIPPA) and the *Personal Information Protection Act* (PIPA). FIPPA applies to more than 2,900 public agencies, and accords access to information and protection of privacy rights to citizens. PIPA regulates the collection, use, access disclosure and retention of personal information by more than 300,000 private sector organizations.

The Commissioner has a broad mandate to protect the rights given to the public under FIPPA and PIPA. This includes: conducting reviews of access to information requests, investigating complaints, monitoring general compliance with the Acts and promoting freedom of information and protection of privacy principles.

In addition, the Commissioner is the Registrar of Lobbyists and oversees and enforces the provisions under the *Lobbyists Registration Act*.

Funding for the operation of the Office of the Information and Privacy Commissioner is provided through a vote appropriation (Vote 5) of the Legislative Assembly and by recoveries for OIPC-run conferences. The vote provides separately for operating expenses and capital acquisitions. All OIPC payments are made from, and funds are deposited to, the Province's Consolidated Revenue Fund. Any unused appropriation cannot be carried forward for use in subsequent years.

SIGNIFICANT ACCOUNTING POLICIES

These financial statements have been prepared in accordance with Canadian generally accepted accounting principles and reflect the following significant accounting policies:

a. *Accrual basis*
The financial information is accounted for on an accrual basis.

b. *Gross basis*
Revenue, including recoveries from government agencies, and expenses is recorded on a gross basis.

c. *Recovery*
A recovery is recognized when related costs are incurred.

d. *Expense*
An expense is recognized when goods and services are acquired or a liability is incurred.

e. *Net Book Value*
Net Book Value represents the accumulated cost of capital assets less accumulated amortization.

f. *Statement of Cash Flows*
A statement of cash flows has not been prepared as it would provide no additional useful information.

g. *Capital Assets*
Capital assets are recorded at cost less accumulated amortization. Amortization begins when the assets are put into use and is recorded on a straight-line basis over the estimated useful lives of the assets, as follows:

Computer hardware and software	3 years
Furniture and equipment	5 years
Tenant Improvements	5 years

VOTED, UNUSED AND USED APPROPRIATIONS

Appropriations for the OIPC are approved by the Legislative Assembly of British Columbia and included in the government's budget estimates as voted through the Supply Act. The OIPC receives approval to spend funds through separate operating and capital appropriations. Any unused appropriations cannot be used by the OIPC in subsequent fiscal years and are returned to the Consolidated Revenue Fund. The following is a summary of voted, unused and used appropriations (unaudited):

	2012		2011	
	Operating	Capital	Operating	Capital
Appropriation	$4,906,000	$45,000	$4,470,000	$574,000
Other amounts	$0	$0	$0	0
Total appropriation available	$4,906,000	$45,000	$4,470,000	$574,000
Total operating expenses	-$4,785,148	-	-4,276,435	-
Capital acquisitions	-	-$34,258	-	-$566,991
Unused appropriation	$120,852	$10,742	$193,565	$7,009

LEAVE LIABILITY

The government changed its policy regarding responsibility for vacation and leave entitlement liability effective April 1, 2006. As of that date, the OIPC was responsible for funding leave expenses from its appropriation. Accumulated leave liability related to vacation and other leave entitlements for the 2011-12 fiscal year was $38,289.39. This was funded in Operating Expenses and was paid through the province's Leave Liability Account.

CAPITAL ASSETS

The following is a summary of capital assets (unaudited):

	2012			2011
	Cost	Accumulated Amortization	Net Book Value	Net Book Value
Computer Hardware and Software	$190,714	-$157,974	$32,740	$33,285
Tenant Improvements	$552,302	-147,281	$405,021	$515,482
Furniture and Equipment	$55,531	-$24,424	$31,107	$19,698
	$798,547	-$329,679	$468,868	$568,465

APPENDIX B: FINANCIAL REPORTING

LEASEHOLD COMMITMENTS

The OIPC has a leasehold commitment to 947 Fort Street Holdings for building occupancy costs in which a total of $517,996.59 was paid out in fiscal 2011-12. Payments to 947 Fort Street Holdings for office space for fiscal 2012/2013, are estimated at $552,000.00.

PENSION AND RETIREMENT BENEFITS

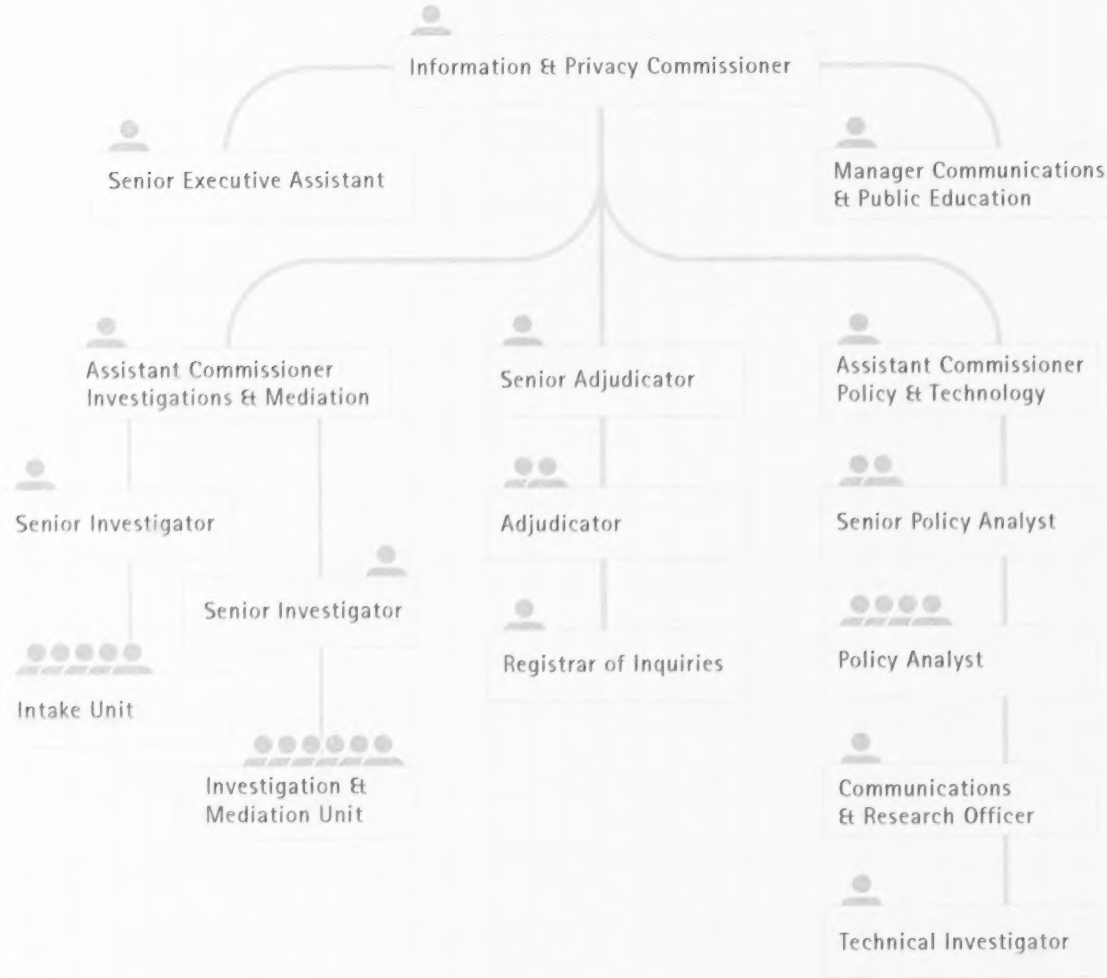
The OIPC and its employees contribute to the Public Service Pension Plan ("Plan") in accordance with the *Public Sector Pension Plans Act*. The Plan is a multi-employer, defined benefit and joint trusteeship plan, established for certain British Columbia public service employees. The British Columbia Pension Corporation administers the Plan, including paying pension benefits to eligible individuals.

The plan is contributory, and its basic benefits are based on factors including years of service and earnings. Under joint trusteeship, the risks and rewards associated with the plan's unfunded liability or surplus is shared between the employers and the plan members and will be reflected in their future contributions.

An actuarial valuation is performed every three years to assess the financial position of the plan and the adequacy of the funding. Based on the results of the valuation, contribution rates are adjusted.

The OIPC also pays for retirement benefits according to conditions of employment for employees excluded from union membership. Payments are made through the province's payroll system. The cost of these employee future benefits is recognized in the year the payment is made.

APPENDIX C: ORGANIZATIONAL CHART



APPENDIX D: RESOURCES

Resources for public bodies and private organizations

Getting started

OIPC policies and procedures (FIPPA)
A guide to PIPA for business and organizations
Time extension guidelines for public bodies

Privacy breaches

Key steps to responding to privacy breaches
Breach notification assessment tool
Privacy breach policy template
Privacy breach checklist
Identity theft resources

Technology

Cloud computing guidelines for public bodies
Guidelines for overt video surveillance in the public sector
Guidelines for overt video surveillance in the private sector
Securing personal information: A self-assessment tool

Privacy (General)

Getting accountability right with a privacy management program
Guidelines to develop a privacy policy
Privacy proofing your retail business
Protecting personal information away from the office
Privacy guidelines for landlords and tenants

Employer/Employee issues

FAQs on the hiring process
Guidelines for social media background checks

To request copies of these resources, or to get more information about B.C.'s access and privacy laws, email info@oipc.bc.ca or visit www.oipc.bc.ca

OUR VISION

A community where privacy is valued, respected and upheld in the public and private sectors;

A community where access to information rights are understood and robustly exercised;

A community where public agencies are open and accountable to the citizenry they serve.

Office of the
Information & Privacy
Commissioner
for British Columbia

Protecting privacy. Promoting transparency.

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